

PAUL J. FISHMAN
United States Attorney
BY: CHRISTOPHER J. GRAMICCIONI
Assistant United States Attorney
970 Broad Street, Suite 700
Newark, New Jersey 07102
(973) 297-2067

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Honorable Jose L. Linares
<i>Plaintiff,</i>	:	Criminal No. 09-758
v.	:	CONSENT JUDGMENT AND
PHILIP J. KENNY	:	PRELIMINARY ORDER OF
<i>Defendant.</i>	:	FORFEITURE

WHEREAS, on October 6, 2009, the United States filed an Information, Criminal No. 09-758(JLL), against Philip J. Kenny, charging him with a violation of Title 18, United States Code, Section 1951; and

WHEREAS, on October 6, 2009, the defendant Philip J. Kenny pled guilty to the one-count Information; and

WHEREAS, pursuant to Title 18 United States Code, Section 981(a)(1)(c) and Title 28 United States Code, Section 2461(c) any property real or personal, which constitutes or is derived from proceeds traceable to a violation Title 18, United States Code, Section 1951 shall be forfeitable; and

WHEREAS, by virtue of the above, the United States is now entitled to possession of the following property which constitutes or is derived from proceeds traceable to a violation Title 18, United States Code, Section 1951:

\$5,000.00 in United States currency; and

WHEREAS, Defendant Philip J. Kenny agrees that payment of the forfeited funds totaling \$5,000.00 shall be paid in full, prior to sentencing to the United States Marshal Service for the District of New Jersey; and

WHEREAS, Defendant Philip J. Kenny acknowledges that the above-referenced property represents property involved in the commission of the attempt to commit extortion under color of official right involved in a violation of Title 18, United States Code, Section 1951 as set forth in the Information, and that the Property is therefore subject to forfeiture to the United States pursuant to that pursuant to Title 18 United States Code, Section 981(a)(1)(c) and Title 28 United States Code, Section 2461(c). The defendant, Philip J. Kenny waives all interests in and claims to the Property described above, and hereby consents to the forfeiture of the Property to the United States. The Defendant, Philip J. Kenny, agrees to consent promptly upon request to the entry of any orders deemed necessary by the Government or the Court to complete the forfeiture and disposition of the Property. The Defendant, Philip J. Kenny, waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of forfeiture in the charging instrument, announcement of the forfeiture in Defendant's presence at sentencing, and incorporation of the forfeiture in the Judgment. The Defendant, Philip J. Kenny, acknowledges that he understands that forfeiture of the Property will be part of the sentence imposed upon the Defendant in this case and waives any failure by the Court to advise Defendant

of this, pursuant to Federal Rule of Criminal Procedure 11(b)(1)(J), during the plea hearing. Pursuant to Rule 32.2(b)(3), The Defendant, Philip J. Kenny, will promptly consent to the finalization of the order of forfeiture before sentencing if requested by the Government to do so. The Defendant, Philip J. Kenny, hereby waives, and agrees to hold the United States and its agents and employees harmless from, any and all claims whatsoever in connection with the seizure, forfeiture, and disposal of the Property described above. Defendant waives all constitutional and statutory challenges of any kind to any forfeiture carried out pursuant to this consent judgment.

It is hereby **ORDERED, ADJUDGED AND DECREED:**

THAT the herein described asset, namely \$5,000.00 in United States currency, is hereby forfeited to the United States of America pursuant to the provisions of Title 18 United States Code, Section 981(a)(1)(c) and Title 28 United States Code, Section 2461(c); and

THAT pursuant to Title 21, United States Code, Section 853(n)(1), the United States shall publish notice of this Order and of its intent to dispose of the property in such a manner as the Attorney General may direct, including posting notice on the official internet government forfeiture site www.forfeiture.gov for at least 30 consecutive days; and

THAT pursuant to Title 21, United States Code, Section 853(n)(2), any person, other than the Defendant, asserting a legal interest in any of the above-listed forfeited property must file a petition with the Court within **thirty (30)** days of the final publication of notice or of receipt of actual notice, whichever is earlier, and state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property.

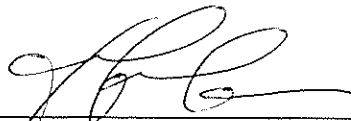
THAT pursuant to Title 21 United States Code, Section 853(n)(3), the petition shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, and any additional facts supporting the petitioner's claim and the relief sought; and

THAT the United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of this Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified; and

THAT the aforementioned forfeited property is to be held by the appropriate United States agency in its secure custody and control until the appropriate disposition of said Property by the United States; and

THAT upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

ORDERED this *3rd* day of *March* 2010



Honorable Jose L. Linares
United States District Judge

The Undersigned hereby consent
to the entry and form of this
Consent Judgment and Order of Forfeiture:

PAUL J. FISHMAN
United States Attorney



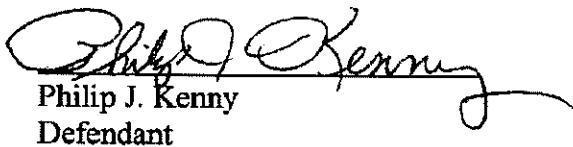
CHRISTOPHER J. GRAMICCIONI
Assistant United States Attorney
970 Broad Street, Suite 700
Newark, New Jersey 07102

Dated: 3/2/10



SAMUEL L. SACHS, Esq.
379 Princeton-Hightstown Road
P.O. Box 968
East Windsor, New Jersey 08520
Counsel for the Defendant
Philip J. Kenny

Dated: 3/2/10



Philip J. Kenny
Defendant

Dated: 2/28/2010